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213.1090-CIP2

UNITED STATES PATENT & TRADEMARK OFFICE

Examiner: Desai, Anand U. Art Unit: 1653

Re: Application of: Richard B. Greenwald

Serial No.: 09/888,072

Filed: June 22, 2001

For: **BIODEGRADABLE HIGH MOLECULAR
WEIGHT POLYMERIC LINKERS AND THEIR CONJUGATES**

RESPONSE

VIA FACSIMILE 703-872-9306

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

November 3, 2003

Sir:

Responsive to the Office Action dated October 3, 2003, the following remarks are made:

Election of Species

In response to the requirement of election of species, Applicants elect to further prosecute in this case the species corresponding to compound 17 of Example 17 on page 40 of the specification and figure 12b in the event that no generic claim is finally held allowable. In Formula (X), the variables corresponding to compound 17 are as follows:

R_{31} = mPEG

Y_{10} , Y_{11} both are oxygen

R_{32} , R_{33} , R_{34} , R_{35} , R_{37} , R_{38} , R_{39} , R_{50} and R_{51} are each hydrogen

a, b, e, y_1 , and y_2 are each one (1)

$L = O-C(=O)-NH-CH_2-CH_2-C(=O)$

$X_2 = NH$

$X_3 = C(=O)$

$Z = NH-CH(CH_3)-C(=O)$ and

D1 and D2 are each camptothecin residues.

It is believed that claims 1, 5, 9 and 15-16 currently read on the elected species.

This response to the requirement of the election of species is made with traverse. Reconsideration is therefore respectfully requested. It is believed that all of the compounds claim 1 should be examined together and that the differences of species is not such as to require separate examinations. No separate search would be required in addition to that which should be performed for the compound identified above as the elected species. The differences for each of the variables required by the formula are not such as to require separate examinations.

FEES

This response is being filed within the short timed period for response. No further fees are believed to be required. If, on the other hand, it is determined that further fees are necessary or any overpayment has been made, the Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 CFR 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to the above-mentioned deposit account.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

MUSERLIAN, LUCAS & MERCANTI, L.L.P.

By: 

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Response is being facsimile transmitted to the Commissioner for Patents on the date shown below.

November 3, 2003

MUSERLIAN, LUCAS & MERCANTI, L.L.P.

BY: 

Michael N. Mercanti